



Rep. Monique D. Davis

**Filed: 3/20/2015**

09900HB2938ham001

LRB099 05632 RJF 32950 a

1 AMENDMENT TO HOUSE BILL 2938

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2938 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Racial Profiling Prevention and Data  
5 Oversight Act is amended by changing Sections 10 and 40 as  
6 follows:

7 (20 ILCS 2715/10)

8 Sec. 10. Definitions. As used in this Act:

9 (a) "Oversight Board" means the Racial Profiling  
10 Prevention and Data Oversight Board established under this Act.

11 (b) "Department" means the Illinois Department of  
12 Transportation.

13 (c) "Traffic and Pedestrian Stop Statistical Study Act"  
14 means Section 11-212 of the Illinois Vehicle Code.

15 (Source: P.A. 94-997, eff. 1-1-08.)

1 (20 ILCS 2715/40)

2 Sec. 40. Powers and Duties of the Oversight Board. The  
3 Oversight Board shall have the following powers, duties, and  
4 responsibilities:

5 (a) To operate purely as an advisory body. Any changes to  
6 rules and policy promoted by the Oversight Board are only  
7 recommendations, which may be reported to the Governor, the  
8 Secretary of State, and the General Assembly or to appropriate  
9 law enforcement agencies.

10 (b) To coordinate the development, adoption, and  
11 implementation of plans and strategies to eliminate racial  
12 profiling in Illinois and to coordinate the development,  
13 adoption, and implementation of plans and strategies to create  
14 public awareness programs in minority communities, designed to  
15 educate individuals regarding racial profiling and their civil  
16 rights.

17 (c) To promulgate model policies for police agencies that  
18 are designed to protect individuals' civil rights related to  
19 police traffic enforcement and to recommend to law enforcement  
20 agencies model rules as may be necessary to effectuate training  
21 regarding data collection and mechanisms to engage those  
22 agencies who willfully fail to comply with the requirements of  
23 the Traffic and Pedestrian Stop Statistical Study Act.

24 (d) To study and to issue reports and recommendations to  
25 the Governor, the Secretary of State, and the General Assembly  
26 regarding the following subjects by the following dates:

1           (1) no later than July 1, 2008, regarding strategies to  
2 improve the benchmark data available to identify the race,  
3 ethnicity, and geographical residence of the Illinois  
4 driving population, beginning on August 1, 2008, with the  
5 collection of race and ethnicity data on new and renewal  
6 applicants for driver's licenses. This data shall be  
7 available for statistical benchmark comparison purposes  
8 only;

9           (2) no later than January 1, 2009, regarding data  
10 collection requirements with respect to additional race  
11 and ethnicity categories to be added to the traffic stop  
12 statistical study in order to improve data collection among  
13 unreported and under-reported minority populations. The  
14 Board shall study, and recommend if required, at a minimum,  
15 data collection strategies, categories, and benchmarks for  
16 persons of Middle-Eastern origin. The Board shall also  
17 study stops lasting over 30 minutes and define categorical  
18 reasons for the extended stops;

19           (3) no later than July 1, 2009, regarding technological  
20 solutions to aid in the identification, elimination, and  
21 prevention of racial profiling and to recommend funding  
22 sources for statewide implementation of the technological  
23 solutions;

24           (4) no later than January 1, 2010, regarding whether  
25 Illinois should continue the mandatory data collection  
26 required under this Act, as well as the best practices of

1 data collection as related to the identification,  
2 elimination, and prevention of bias-based policing; and

3 (5) on or before April 1 of each year, regarding the  
4 Oversight Board's activities during the previous fiscal  
5 year.

6 (Source: P.A. 94-997, eff. 1-1-08.)

7 Section 10. The Illinois Vehicle Code is amended by  
8 changing Section 11-212 as follows:

9 (625 ILCS 5/11-212)

10 (Section scheduled to be repealed on July 1, 2019)

11 Sec. 11-212. Traffic and pedestrian stop statistical  
12 study.

13 (a) Whenever a State or local law enforcement officer  
14 issues a uniform traffic citation or warning citation for an  
15 alleged violation of the Illinois Vehicle Code, he or she shall  
16 record at least the following:

17 (1) the name, address, gender, and the officer's  
18 subjective determination of the race of the person stopped;  
19 the person's race shall be selected from the following  
20 list: American Indian or Alaska Native, Asian, Black or  
21 African American, Hispanic or Latino, Native Hawaiian or  
22 Other Pacific Islander, or White;

23 (2) the alleged traffic violation that led to the stop  
24 of the motorist;

1 (3) the make and year of the vehicle stopped;

2 (4) the date and time of the stop, beginning when the  
3 vehicle was stopped and ending when the driver is free to  
4 leave or taken into physical custody;

5 (5) the location of the traffic stop;

6 (5.5) whether or not a consent search contemporaneous  
7 to the stop was requested of the vehicle, driver,  
8 passenger, or passengers; and, if so, whether consent was  
9 given or denied;

10 (6) whether or not a search contemporaneous to the stop  
11 was conducted of the vehicle, driver, passenger, or  
12 passengers; and, if so, whether it was with consent or by  
13 other means;

14 (6.2) whether or not a police dog performed a sniff of  
15 the vehicle; and, if so, whether or not the dog alerted to  
16 the presence of contraband; and, if so, whether or not an  
17 officer searched the vehicle; and, if so, whether or not  
18 contraband was discovered; and, if so, the type and amount  
19 of contraband;

20 (6.5) whether or not contraband was found during a  
21 search; and, if so, the type and amount of contraband  
22 seized; and

23 (7) the name and badge number of the issuing officer.

24 (b) Whenever a State or local law enforcement officer stops  
25 a motorist for an alleged violation of the Illinois Vehicle  
26 Code and does not issue a uniform traffic citation or warning

1 citation for an alleged violation of the Illinois Vehicle Code,  
2 he or she shall complete a uniform stop card, which includes  
3 field contact cards, or any other existing form currently used  
4 by law enforcement containing information required pursuant to  
5 this Act, that records at least the following:

6 (1) the name, address, gender, and the officer's  
7 subjective determination of the race of the person stopped;  
8 the person's race shall be selected from the following  
9 list: American Indian or Alaska Native, Asian, Black or  
10 African American, Hispanic or Latino, Native Hawaiian or  
11 Other Pacific Islander, or White;

12 (2) the reason that led to the stop of the motorist;

13 (3) the make and year of the vehicle stopped;

14 (4) the date and time of the stop, beginning when the  
15 vehicle was stopped and ending when the driver is free to  
16 leave or taken into physical custody;

17 (5) the location of the traffic stop;

18 (5.5) whether or not a consent search contemporaneous  
19 to the stop was requested of the vehicle, driver,  
20 passenger, or passengers; and, if so, whether consent was  
21 given or denied;

22 (6) whether or not a search contemporaneous to the stop  
23 was conducted of the vehicle, driver, passenger, or  
24 passengers; and, if so, whether it was with consent or by  
25 other means;

26 (6.2) whether or not a police dog performed a sniff of

1 the vehicle; and, if so, whether or not the dog alerted to  
2 the presence of contraband; and, if so, whether or not an  
3 officer searched the vehicle; and, if so, whether or not  
4 contraband was discovered; and, if so, the type and amount  
5 of contraband;

6 (6.5) whether or not contraband was found during a  
7 search; and, if so, the type and amount of contraband  
8 seized; and

9 (7) the name and badge number of the issuing officer.

10 (b-5) Whenever a law enforcement officer stops a pedestrian  
11 for temporary questioning, other than for an alleged violation  
12 of the Illinois Vehicle Code, he or she shall complete a  
13 uniform pedestrian stop card, which includes any existing form  
14 currently used by law enforcement containing all the  
15 information required under this Act, that records at least the  
16 following:

17 (1) the gender, and the officer's subjective  
18 determination of the race of the person stopped; the  
19 person's race shall be selected from the following list:  
20 American Indian or Alaska Native, Asian, Black or African  
21 American, Hispanic or Latino, Native Hawaiian or Other  
22 Pacific Islander, or White;

23 (2) all the alleged reasons that led to the stop of the  
24 person;

25 (3) the date and time of the stop, beginning when the  
26 person was stopped and ending when the person was free to

1       leave or taken into physical custody;

2           (4) the location of the stop;

3           (5) whether or not a protective pat down or frisk was  
4       conducted of the person; and, if so, all the alleged  
5       reasons that led to the protective pat down or frisk, and  
6       whether it was with consent or by other means;

7           (6) whether or not contraband was found during the  
8       protective pat down or frisk; and, if so, the type and  
9       amount of contraband seized;

10          (7) whether or not a search beyond a protective pat  
11       down or frisk was conducted of the person or his or her  
12       effects; and, if so, all the alleged reasons that led to  
13       the search, and whether it was with consent or by other  
14       means;

15          (8) whether or not contraband was found during the  
16       search beyond a protective pat down or frisk; and, if so,  
17       the type and amount of contraband seized;

18          (9) the disposition of the stop, such as a warning, a  
19       ticket, a summons, or an arrest;

20          (10) if a summons or ticket was issued, or an arrest  
21       made, a record of the violations, offenses, or crimes  
22       alleged or charged; and

23          (11) the name and badge number of the issuing officer.

24       (c) The Illinois Department of Transportation shall  
25       provide a standardized law enforcement data compilation form on  
26       its website.

1 (d) Every law enforcement agency shall, by March 1 with  
2 regard to data collected during July through December of the  
3 previous calendar year and by August 1 with regard to data  
4 collected during January through June of the current calendar  
5 year, compile the data described in subsections (a), ~~and~~ (b),  
6 and (b-5) on the standardized law enforcement data compilation  
7 form provided by the Illinois Department of Transportation and  
8 transmit the data to the Department.

9 (e) The Illinois Department of Transportation shall  
10 analyze the data provided by law enforcement agencies required  
11 by this Section and submit a report of the previous year's  
12 findings to the Governor, the General Assembly, the Racial  
13 Profiling Prevention and Data Oversight Board, and each law  
14 enforcement agency no later than July 1 of each year. The  
15 Illinois Department of Transportation may contract with an  
16 outside entity for the analysis of the data provided. In  
17 analyzing the data collected under this Section, the analyzing  
18 entity shall scrutinize the data for evidence of statistically  
19 significant aberrations. The following list, which is  
20 illustrative, and not exclusive, contains examples of areas in  
21 which statistically significant aberrations may be found:

22 (1) The percentage of minority drivers, ~~or~~ passengers,  
23 or pedestrians being stopped in a given area is  
24 substantially higher than the proportion of the overall  
25 population in or traveling through the area that the  
26 minority constitutes.

1           (2) A substantial number of false stops including stops  
2           not resulting in the issuance of a traffic ticket or the  
3           making of an arrest.

4           (3) A disparity between the proportion of citations  
5           issued to minorities and proportion of minorities in the  
6           population.

7           (4) A disparity among the officers of the same law  
8           enforcement agency with regard to the number of minority  
9           drivers, ~~or~~ passengers, or pedestrians being stopped in a  
10          given area.

11          (5) A disparity between the frequency of searches  
12          performed on minority drivers or pedestrians and the  
13          frequency of searches performed on non-minority drivers or  
14          pedestrians.

15          (f) Any law enforcement officer identification information  
16          and ~~or~~ driver or pedestrian identification information that is  
17          compiled by any law enforcement agency or the Illinois  
18          Department of Transportation pursuant to this Act for the  
19          purposes of fulfilling the requirements of this Section shall  
20          be confidential and exempt from public inspection and copying,  
21          as provided under Section 7 of the Freedom of Information Act,  
22          and the information shall not be transmitted to anyone except  
23          as needed to comply with this Section. This Section shall not  
24          exempt those materials that, prior to the effective date of  
25          this amendatory Act of the 93rd General Assembly, were  
26          available under the Freedom of Information Act. This subsection

1 (f) shall not preclude law enforcement agencies from reviewing  
2 data to perform internal reviews.

3 (g) Funding to implement this Section shall come from  
4 federal highway safety funds available to Illinois, as directed  
5 by the Governor.

6 (h) The Illinois Department of Transportation, in  
7 consultation with law enforcement agencies, officials, and  
8 organizations, including Illinois chiefs of police, the  
9 Department of State Police, the Illinois Sheriffs Association,  
10 and the Chicago Police Department, and community groups and  
11 other experts, shall undertake a study to determine the best  
12 use of technology to collect, compile, and analyze the traffic  
13 stop statistical study data required by this Section. The  
14 Department shall report its findings and recommendations to the  
15 Governor and the General Assembly by March 1, 2004.

16 (h-5) For purposes of this Section:

17 (1) "American Indian or Alaska Native" means a person  
18 having origins in any of the original peoples of North and  
19 South America, including Central America, and who  
20 maintains tribal affiliation or community attachment.

21 (2) "Asian" means a person having origins in any of the  
22 original peoples of the Far East, Southeast Asia, or the  
23 Indian subcontinent, including, but not limited to,  
24 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,  
25 the Philippine Islands, Thailand, and Vietnam.

26 (3) "Black or African American" means a person having

1 origins in any of the black racial groups of Africa. Terms  
2 such as "Haitian" or "Negro" can be used in addition to  
3 "Black or African American".

4 (4) "Hispanic or Latino" means a person of Cuban,  
5 Mexican, Puerto Rican, South or Central American, or other  
6 Spanish culture or origin, regardless of race.

7 (5) "Native Hawaiian or Other Pacific Islander" means a  
8 person having origins in any of the original peoples of  
9 Hawaii, Guam, Samoa, or other Pacific Islands.

10 (6) "White" means a person having origins in any of the  
11 original peoples of Europe, the Middle East, or North  
12 Africa.

13 (i) This Section is repealed on July 1, 2019.

14 (Source: P.A. 97-396, eff. 1-1-12; 97-469, eff. 7-1-12; 97-813,  
15 eff. 7-13-12; 98-686, eff. 6-30-14.)".